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Entered on Docket  
January 27, 2010

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

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Hon. Linda B. Riegle  
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United States Bankruptcy Judge

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Attorney for Secured Creditor

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In Re:

Gerardo Cano-Viquez

Debtor.

BK-S-09-19123-lbr

Date: November 9, 2009  
Time: 9:30 AM

Chapter 13

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**ORDER DENYING MOTION FOR RELIEF FROM THE**  
**AUTOMATIC STAY**

THE COURT having reviewed the briefs filed by the respective parties, having considered the oral argument, and having reviewed all other pleadings before it, rules as follows:

1 The Secured Creditor has not provided evidence to the court of a diminution in property value  
2 pursuant to the In Re: Timbers case, warranting on Order Vacating Stay.

3 The Secured Creditor has not convinced the court that a proposed monthly payment of ".25" of the  
4 value of the subject property does not cover any diminution in value while waiting for a decision on a loan  
5 modification request.

6 The Secured Creditor has not convinced the court that a monthly payment of ".25" of the subject  
7 property's value necessarily denotes an improbability of successful reorganization inasmuch as the decision  
8 of whether or not a loan modification is granted is in the hands of the Secured Creditor.

9 The Court further holds that a plan that proposes to pay a monthly payment of ".25" of the subject  
10 property's value is not on its face a plan proposed in violation of 11 U.S.C. 1322(b)(2).

11 Other findings made by the Court are found on the record and incorporated herein.

12 THEREFORE, the Secured Creditor's motion for relief from the automatic stay is denied without  
13 prejudice.

14 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

15 Submitted by:  
16 WILDE & ASSOCIATES

17 /S/GREGORY L. WILDE  
18 By \_\_\_\_\_

19 GREGORY L. WILDE, ESQ.  
20 Attorney for Secured Creditor  
21 208 South Jones Boulevard  
22 Las Vegas, Nevada 89107

23 APPROVED / DISAPPROVED

24 APPROVED / DISAPPROVED

25 By \_\_\_\_\_  
26 Christopher Griffin  
Haines and Krieger  
Attorney for Debtor(s)

By \_\_\_\_\_  
Kathleen A. Leavitt  
Trustee

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2  The court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed in the case.

4  No parties appeared or filed written objections, and the trustee is the movant.

5  This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
approved or disapproved the order, or failed to respond, as indicated below:

6 Debtor's counsel:

7  approved the form of this order  disapproved the form of this order

8  waived the right to review the order and/or  failed to respond to the document

9  appeared at the hearing, waived the right to review the order

10  matter unopposed, did not appear at the hearing, waived the right to review the order

11 Trustee:

12  approved the form of this order  disapproved the form of this order

13  waived the right to review the order and/or  failed to respond to the document

14  This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
respond, as indicated below.

15 Debtor's counsel:

16  approved the form of this order  disapproved the form of this order

17  waived the right to review the order and/or  failed to respond to the document

18  appeared at the hearing, waived the right to review the order

19  matter unopposed, did not appear at the hearing, waived the right to review the order

20 Trustee:

21  approved the form of this order  disapproved the form of this order

22  waived the right to review the order and/or  failed to respond to the document

23  I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

26 Gregory L. Wilde, Esq.

Attorney for Secured Creditor